

Wetlands Bureau Decision Report

Decisions Taken
02/24/2003 to 02/28/2003

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2001-02198 NERBONNE, ROBERT
SANBORTON Winnisquam Lake

Requested Action:

Place 209 linear feet of rip-rap to protect peninsula on property having 390 ft of frontage on Lake Winnisquam.

Inspection Date: 10/03/2002 by Darlene Forst

APPROVE PERMIT:

Place 209 linear feet of rip-rap to protect peninsula on property having 390 ft of frontage on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors as amended by Folsom Design Group, and received by the Department on November 15, 2002.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Work shall be done during low flow.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
6. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
7. Only native plant species shall be used in the restoration of the peninsula.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(h), alteration of more than 200 linear ft of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 3, 2002. Field inspection determined that rip-rap is the least impacting method of stabilization practical along this portion of the frontage.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnisquam.

-Send to Governor and Executive Council-

2002-01256 REINHOLD, FRANK
EPPING Unnamed Wetland

Requested Action:

Dredge approximately 25,205 square feet of scrub-shrub and emergent wetlands and open water area to construct an irrigation pond to provide water for agricultural crops and recreational fields. Fill approximately 100 square feet (35 linear feet) of a seasonal stream to construct a concrete spillway.

Conservation Commission/Staff Comments:

No comments received from the Epping Conservation Commission.

Inspection Date: 02/14/2003 by Christian P Williams

APPROVE PERMIT:

Dredge approximately 25,205 square feet of scrub-shrub and emergent wetlands and open water area to construct an irrigation pond to provide water for agricultural crops and recreational fields. Fill approximately 100 square feet (35 linear feet) of a seasonal stream to construct a concrete spillway.

With Conditions:

1. All work shall be in accordance with the Flag Hill Winery Irrigation Pond Plans (Sheets 1-3 of 18) and the Inlet/Outlet Protection Detail (as depicted on Sheet 4 of 18) by the U.S. Department of Agriculture Natural Resources Conservation Service dated May 2002, as received by the Department on June 12, 2002; and the tiered shelf system described by Frank Reinhold, Jr. in a letter dated January 5, 2003, as received by the Department on January 7, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be conducted during low flow.
4. The pond shall be constructed with a tiered shelf along the western perimeter consisting of emergent and scrub-shrub vegetation to create habitat diversity.
5. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
6. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. The project is categorized as a Major Project, per Rule Wt 303.02(c), as the project involves alteration of greater than 20,000 square feet of nontidal wetlands and surface waters.
2. The project is necessary to provide a reliable water source to irrigate approximately 10 acres of fruit and vegetable crops and 3 soccer fields.
3. The applicant's current irrigation needs are met by withdrawing water from the North River, a tributary to the Lamprey River.
4. On January 6, 1995 the NHDES Wetlands Board issued Permit No. 94-02069 authorizing 17,408 square feet of wetland dredging for construction of an agriculture pond elsewhere on the property.
5. In a letter dated May 9, 2002 the NH Natural Heritage Inventory identified the potential presence of the wood turtle in the vicinity of the project area.
6. In a letter dated July 8, 2002, the NH Fish & Game Department Nongame & Endangered Wildlife Program indicated that the project would have minimal impacts to the wood turtle.
7. In a letter dated January 5, 2003 the applicant indicated that the western bank of the pond will be designed and constructed to incorporate a shelf and riparian buffer area to improve wildlife habitat.
8. DES Wetlands Bureau Staff conducted a field inspection of the proposed project on February 14, 2003. The field inspection determined that much of the area to be dredged for pond construction is open water. This open water area was created as a result of prior construction of a gravel roadway used to access agricultural crops. The roadbed, which was constructed across a seasonal tributary to the North River, acts to impound water. A 15-inch diameter culvert was installed at the stream crossing by the owner/applicant to prevent flooding of the roadway. The culvert will be removed and replaced with a concrete spillway as part of proposed project activities.
9. Public hearing is waived with the finding that proposed jurisdictional impacts will not significantly impair the resources of the

North River, nor the Lamprey River.

10. The need for the proposed jurisdictional impacts has been demonstrated by the applicant in accordance with Rule Wt 302.01.

11. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

12. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

2002-02338 PEROCCHI, WILLIAM & NANCY
SEABROOK Atlantic Ocean

Requested Action:

Impact 3,707 square feet of a developed lot in a sand dune jurisdiction for an addition to an existing single family residence, relocation of basement stairs on the south side of the house, and the construction of a garage, planters, in-ground swimming pool, and putting green. Restore 2,715 square feet of sand dune within the area of the existing concrete driveway by filling the area with indigenous sand to an elevation of 21 feet and proposed planting of American Beach Grass (*Ammophila breviligulata*) plugs on one foot centers. Total impacts to DES Wetlands Bureau jurisdiction is 6,422 square feet.

Inspection Date: 02/25/2003 by Christina Altimari

APPROVE PERMIT:

Impact 3,707 square feet of a developed lot in a sand dune jurisdiction for an addition to an existing single family residence, relocation of basement stairs on the south side of the house, and the construction of a garage, planters, in-ground swimming pool, and putting green. Restore 2,715 square feet of sand dune within the area of the existing concrete driveway by filling the area with indigenous sand to an elevation of 21 feet and proposed planting of American Beach Grass (*Ammophila breviligulata*) plugs on one foot centers. Total impacts to DES Wetlands Bureau jurisdiction is 6,422 square feet.

With Conditions:

1. All work shall be in accordance with plans by Fulcrum, Inc. Architects dated October 17, 2002, with revisions dated February 12, 2003 as received by the Department on February 13, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on other areas within DES jurisdiction.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

Sand Dune Preservation:

7. Sand dunes vegetation shall be planted in accordance with plans by Fulcrum, Inc. Architects dated October 17, 2002, with revisions dated February 12, 2003 as received by the Department on February 13, 2003.
8. Following construction all remaining exposed areas of sand shall be revegetated with native sand dune species representing the existing vegetation.
9. The growth of the revegetated areas shall be successful by the end of the second growing season post-construction, or it shall be replanted and re-established.
10. The permittee shall designate a qualified professional who will have the responsibility to assure that the vegetation area is in accordance with the submitted plans, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. DES shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
11. The designated qualified professional shall conduct a follow-up inspection after the first and second growing seasons, to review the success of the revegetated and transplant area, and schedule remedial actions if necessary. After both the first and second growing seasons, a follow-up inspection report and a schedule for completing any necessary remedial work shall be submitted to DES by December 1, 2003 and 2004.

With Findings:

1. This project is classified as a major impact project per Wt 303.02(a).
2. This approval is consistent with other approvals in developed sand dune areas.
3. This property is a previously developed oceanfront lot with an existing residence on Seabrook Beach.
4. The applicant has received letters of concurrence from abutters where work is proposed within 20 feet of their property line as required by Wt 304.04(a).
5. The NH Natural Heritage Inventory (NHNHI) have record of two state threatened plant species within the project vicinity, Hairy Hudsonia (*Hudsonia tomentosa*) and Tall Wormwood (*Artemisia campestris*), and record of a species of special concern within the project vicinity, Beach Grass (*Ammophila breviligulata*). Also, NHNHI have record of one state threatened and federally endangered animal species within the project vicinity, the Piping Plover (*Charadrius melodus*). DES review of this application finds that none of the threatened or endangered species will be impacted as a result of the project.
6. Filling with indigenous sand and planting the filled area with native beach grass is proposed as part of the project to maintain and enhance the surrounding existing sand dune vegetation.
7. Public hearing is waived based upon DES staff field inspections on February 25, 2003, which finds that the project impacts will not significantly impair the sand dune resources, and will not result in any negative environmental impacts to any of the property's abutters.

2003-00056 GENTILE, GREGG
DOVER Piscataqua River

Requested Action:

Construct a 6 ft. x 90 ft. permanent pier and 3 ft. x 46 ft. ramp leading to an 8 ft. x 40 ft. moored float, providing 2 slips on 125 feet of frontage along the Piscataqua River in Dover.

Conservation Commission/Staff Comments:

Dover Con Com intervened on January 7, 2003 for further investigation.

Inspection Date: 02/25/2003 by Christina Altimari

APPROVE PERMIT:

Construct a 6 ft. x 90 ft. permanent pier and 3 ft. x 46 ft. ramp leading to an 8 ft. x 40 ft. moored float, providing 2 slips on 125 feet of frontage along the Piscataqua River in Dover.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated January 2, 2003, as received by the Department on January 10, 2003.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
2. Public hearing is waived based on DES staff field inspection on February 25, 2003 with the finding that the project impacts will not significantly impair the resources of this tidal river.
3. The Pease Development Authority - Division of Ports and Harbors has reviewed the plans and determined that the proposed dock does not impede navigation.
4. This dock is consistent with other tidal dock approvals in the seacoast region.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2002-00211 THOMAS HODGSON & SONS INC, KENNEBUNK WEAVERS INC
SUNCOOK Suncook River

Requested Action:

Dredge and fill a total of 10,849 sq. ft., including 4,379 sq. ft. of temporary impacts for cofferdam installation, in the Suncook River for work associated with repairs to the China Mills Dam and the removal of accumulated sediments to improve the river flow in the area.

Conservation Commission/Staff Comments:

No report received from the Allenstown Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 10,849 sq. ft., including 4,379 sq. ft. of temporary impacts for cofferdam installation, in the Suncook River for work associated with repairs to the China Mills Dam and the removal of accumulated sediments to improve the river flow in the area.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership, Inc. dated 10/22/01, as received by the Department on February 5, 2002.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. This project is in response to an LOD dated January 18, 2001 from the NH DES regarding deficiencies noted at the China Mills Dam in Allenstown (Village of Suncook).

2002-01767 GILFORD SCHOOL DISTRICT
GILFORD Unnamed Wetland

2002-02202 CRAVEN, JAMES
NEW IPSWICH Unnamed Stream

Requested Action:

Dredge and fill approximately 16,388 square feet of palustrine forested and emergent wetlands to provide access in a 75-Lot subdivision. Preservation of approximately 103 acres of open space comprised of approximately 45 acres of wetlands and 58 acres of uplands

Conservation Commission/Staff Comments:

On September 13, 2002, Conservation Commission stated a response would be submitted to DES at a later date.

Letter to Zoning Board from Conservation Commission dated November 13, 2002, commends cooperation by agent and applicant to address the concerns related to previous impacts to wetlands on the property. Conservation Commission withholds final comments to the ZBA until approval by DES.

APPROVE PERMIT:

Dredge and fill approximately 16,388 square feet of palustrine forested and emergent wetlands to provide access in a 75-Lot subdivision. Preservation of approximately 103 acres of open space comprised of approximately 45 acres of wetlands and 58 acres of uplands

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering dated March 4, 2002, as received by the Department on November 27, 2002.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Silt fencing must be removed once the area is stabilized.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Wetland Restoration:

16. This permit is contingent upon the restoration of approximately 900 linear feet of surface waters (streams) in accordance with the Restoration Plan Approval issued by DES on November 19, 2002.
17. The schedule for restoration shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
18. The restoration areas shall be properly restored, monitored, and managed in accordance with approved final restoration plans, and the entire restoration area shall be preserved from future development.
19. The Permittee shall designate a qualified professional who will have the responsibility to assure that the restoration areas are restored in accordance with the restoration plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
20. The Permittee shall monitor the initial work of the restoration areas to assure the work is accomplished in accordance with the plan, and that the necessary steps are taken to successfully remove all sediments from the stream beds.
21. The Permittee shall conduct follow-up inspections in accordance with the approved restoration plan approval issued by DES on November 19, 2002.

Wetland preservation:

22. This permit is contingent upon the execution of a conservation easement on 103 acres to be designated as open space.
23. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
24. Draft conservation easement language shall be submitted to the Wetlands Bureau and local Conservation Commission for review and approval.
25. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction, excluding activities authorized under the Approved Restoration Plan.
26. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
27. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
28. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
29. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
30. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq. ft. of jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on December 4, 2002. Field inspection determined the proposed crossings for sites 2, 3, and 4 were depicted appropriately on the plans. Proposed crossing #1 required further clarification, which was submitted by the agent, and confirmed by DES staff.
6. Restoration efforts had begun as of the site inspection on December 4, 2002, as identified in the Restoration Plan Approval, issued by DES on November 19, 2002.

2002-02208 GARLAND, ANNE/RICHARD
BARTLETT Stoney Brook

Requested Action:

Dredge and fill 5,519 square feet within the bed and banks of a seasonal stream to install a 36" x 80' culvert and impact 151 square feet within the bank of Stoney Brook, for ski trail expansion and ski access to a proposed residential housing complex (impacting 160 linear feet).

APPROVE PERMIT:

Dredge and fill 5,519 square feet within the bed and banks of a seasonal stream to install a 36" x 80' culvert and impact 151 square feet within the bank of Stoney Brook, for ski trail expansion and ski access to a proposed residential housing complex (impacting 160 linear feet).

With Conditions:

1. All work shall be in accordance with revised plans by Thaddeus Thorne Surveys Inc. dated 1/16/03, as received by the Department on 2/18/03.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies this lot (#196L00) shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Work shall be done during low flow or dry conditions.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project is considered a Minor Project per NH Administrative Rule Wt 303.03(1), as impacts to the bed and banks of streams are less than 200 linear feet.
2. This project is needed as part of a ski trail expansion for the Attitash Bear Peak facility and for access to a residential housing complex via ski trails.

2002-02475 ARLINGTON DEVELOPMENT GROUP
ROCHESTER Unnamed Wetland

Requested Action:

Fill approximately 12,350 square feet of forested and scrub-shrub wetlands to construct a roadway to provide access to a 31-lot residential subdivision on 97.06 acres. Fill approximately 165 square feet of forested and scrub-shrub wetlands to construct a driveway to access Lot 23 of the 31-lot subdivision, and fill approximately 470 square feet of forested wetlands to widen the road shoulder of NH Route 202A (Walnut Street). Preserve as open space a total of 37.96 acres on site, including 16.5 acres of wetlands and 21.4 acres of contiguous upland buffer.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated November 23, 2002, the Rochester Conservation Commission recommended approval of the application with the following conditions: 1. Development of a mitigation plan to compensate for proposed wetlands impacts; and 2. Verification of the presence and location of vernal pools on-site, and protection of the vernal pools and their buffers via conservation easement.

APPROVE PERMIT:

Fill approximately 12,350 square feet of forested and scrub-shrub wetlands to construct a roadway to provide access to a 31-lot residential subdivision on 97.06 acres. Fill approximately 165 square feet of forested and scrub-shrub wetlands to construct a driveway to access Lot 23 of the 31-lot subdivision, and fill approximately 470 square feet of forested wetlands to widen the road shoulder of NH Route 202A (Walnut Street). Preserve as open space a total of 37.96 acres on site, including 16.5 acres of wetlands and 21.4 acres of contiguous upland buffer.

With Conditions:

1. All work shall be in accordance with the following plans by Norway Plains Associates, Inc. received by the Department on February 12, 2003:
 - a. the Overall Subdivision Plan (Sheet 2), the Subdivision Plan (Sheet 3), and the Drainage, Erosion and Sedimentation Control Details (Sheet 13) dated August 2002;
 - b. the Overall Wetlands Plan and Detailed Wetland Crossings dated November 2002;
 - c. the Topographic Subdivision Plan (Sheet 4), the Road Plan and Profiles (Sheets 5-8), and the Grading, Erosion, and Sedimentation Control Plan (Sheet 10) dated August 2002 and revised January 17, 2003; and
 - d. the Grading, Erosion, and Sedimentation Control Plan (Sheet 9) dated October 2002 and revised January 17, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. Work shall be conducted during low flow.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Stone aprons shall be installed at culvert outlets where appropriate to dissipate flow velocities and prevent scour and erosion.
12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized

within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Open Space Preservation:

18. This permit is contingent upon the preservation as open space of 37.96 acres, including 16.5 acres of wetlands and 21.4 acres of contiguous upland buffer, as depicted on the Overall Subdivision Plan by Norway Plains Associates, Inc. dated August 2002, as received by the Department on February 12, 2003.

19. The use limitations and restrictions to be placed on the open space areas, as referenced in Note #5 of the Overall Subdivision Plan by Norway Plains Associates, Inc. dated August 2002, as received by the Department on February 12, 2003, shall be written to run with the land, and both existing and future property owners shall be subject to these restrictions.

20. The plan noting the open space areas and the use limitations and restrictions shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to construction.

21. The deed which accompanies the sales transaction for each lot in this subdivision which abuts an open space area shall contain a description of the open space area including location and use limitations and restrictions.

22. The open space areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

23. Signs to indicate the location of and the use limitations and restrictions on the open space areas shall be posted every 150 feet along the boundaries of the open space areas that abut the subdivision roadway.

24. Activities in contravention of the open space use limitations and restrictions shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services.

With Findings:

1. The project is categorized as a Minor Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands.

2. To compensate for proposed wetlands impacts, the applicant is preserving as open space a total of 37.96 acres on site, including 16.5 acres of wetlands and 21.4 acres of contiguous upland buffer.

3. A portion of the open space area abuts existing conservation easement land on Lot 20-1 (Rochester Tax Map 230).

4. In a letter to the DES Wetlands Bureau dated November 23, 2002, the Rochester Conservation Commission recommended approval of the application with the following conditions: 1. Development of a mitigation plan to compensate for proposed wetlands impacts; and 2. Verification of the presence and location of vernal pools on-site, and protection of the vernal pools and their buffers via conservation easement.

5. The Department finds that the preservation of 37.96 acres of wetlands and contiguous upland buffer as open space sufficiently compensates for project related wetlands impacts.

6. The Department finds that the applicant has taken adequate steps to identify and protect vernal pools on site.

7. The need for proposed jurisdictional impacts has been demonstrated by the applicant, in accordance with Rule Wt 302.01.

8. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

9. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

10. The applicant has addressed the plan requirements of Rule Wt 304.09 (Subdivisions).

2002-02663 STATE OF NH DEPT. OF TRANSPORTATION, DISTRICT ONE
DIXVILLE Abeniki Brook

Requested Action:

Install an underdrain outfall, add stone at outlet of twin 48 in. culverts and rip rap 70 linear feet along the bank to repair erosion impacting 140 sq. ft. of stream and 340 sq. ft. of bank.

APPROVE PERMIT:

Install an underdrain outfall, add stone at outlet of twin 48 in. culverts and rip rap 70 linear feet along the bank to repair erosion impacting 140 sq. ft. of stream and 340 sq. ft. of bank. NHDOT project #M103-7.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 10/31/02 as received by the Department on February 24, 2003.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
11. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of stream channel or bank.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The response on this project from the NHI indicates that the records of species of concern are vague and are not of concern.

2002-02735 WBTSCC LIMITED PARTNERSHIP
RYE Witch Creek

Requested Action:

Fill a 13,500 sq. ft. man-made pond and associated wetland created under NH DES WB permit #1994-00997 to provide for a change in use for this portion of the golf course.

Compensatory wetlands mitigation will be provided as a 27,575 sq. ft. Phragmites control project on the adjacent Witch Creek salt marsh and 2,500 sq. ft. of wetlands enhancement to remove Purple Loosestrife from a scrub-shrub/ emergent wetland on site.

Conservation Commission/Staff Comments:

This project has a salt marsh restoration/ mitigation component requiring a plan to be reviewed by the Salt Marsh Restoration Technical Advisory Staff (CDR & FDR) .

"The [Rye] Conservation Commission conducted a site walk on 01/11/03 and the Commission feels that the mitigation is ample to warrant project."

Inspection Date: 01/29/2003 by Frank D Richardson

APPROVE PERMIT:

Fill a 13,500 sq. ft. man-made pond and associated wetland created under NH DES WB permit #1994-00997 to provide for a change in use for this portion of the golf course.

Compensatory wetlands mitigation will be provided as a 27,575 sq. ft. Phragmites control project on the adjacent Witch Creek salt marsh and 2,500 sq. ft. of wetlands enhancement to remove Purple Loosestrife from a scrub-shrub/ emergent wetland on site.

With Conditions:

1. This permit is contingent on review and approval of a plan for the salt marsh restoration proposed for Mitigation Area #2 by the NH DES Wetlands Bureau Salt Marsh Restoration Technical Advisory Staff prior to the start of work.
2. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated 12/18/02, revised 1/14/03, as received by the Department on February 6, 2003.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Work on the salt marsh shall occur during the months of August through the following April.
8. No work on the salt marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.
9. Construction equipment used on the salt marsh shall have specialized low ground pressure tracks, which impact less than 4 pounds per square inch, or the applicant shall utilize timber or plywood mats beneath machines when driving over wetland areas.

WETLANDS MITIGATION:

1. This permit is contingent upon the restoration/enhancement of 2,500 sq. ft. of wetlands to eliminate Purple Loosestrife in accordance with plans received February 6, 2003.
2. This permit is contingent on review and approval of a plan for the salt marsh restoration proposed for Mitigation Area #2 to remove 27,575 sq. ft. of Phragmites australis adjacent to the Witch Creek salt marsh by the NH DES Wetlands Bureau Salt Marsh Restoration Technical Advisory Staff prior to the start of work.
3. The schedule for construction of the mitigation areas shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
4. The mitigation areas shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
5. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland enhancement site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.
6. Wetland enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
7. Wetland enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
8. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation areas are constructed in accordance with the mitigation plans, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
9. The permittee shall monitor the initial construction of the mitigation areas to assure the work is accomplished in accordance with the plans, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
10. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.
11. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation sites and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.

12. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), to fill a 13,500 sq. ft. man-made pond.
2. The salt marsh restoration/ *Phragmites* control component of this project is reviewed under Rule Wt 303.02(a). Public hearing is waived based on review by the NH DES Wetlands Bureau Salt Marsh Restoration Technical Advisory Staff and recommendation of the Rye Conservation Commission.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. DES Staff conducted a field inspection of the proposed project on January 29, 2003. Field inspection determined filling of the man-made pond has no significant adverse environmental impact. The mitigation proposed more than adequately compensates for the wetlands impacts.

MINIMUM IMPACT PROJECT

2002-02384 LINKO, JOSEPH
SANBORNTON Tributary To Hermit Lake

Requested Action:

Retain replenishment of existing 25 ft x 20 ft beach area with 8.3 cu yds of sand on an average of 25 ft of frontage on Hermit Lake.

APPROVE AFTER THE FACT:

Retain replenishment of existing 25 ft x 20 ft beach area with 8.3 cu yds of sand on an average of 25 ft of frontage on Hermit Lake.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. This approval does not allow for annual beach replenishment.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. All future activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), replenishment of a beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00088 OLSON, NATHAN
RINDGE Unnamed Wetland

Requested Action:

Fill approximately 1,600 square feet of palustrine forested wetlands and install a 12" x 20' culvert to provide access to 1 lot of a 7-lot subdivision

Conservation Commission/Staff Comments:

Conservation Commission did not sign the application, no additional comments provided.

APPROVE PERMIT:

Fill approximately 1,600 square feet of palustrine forested wetlands and install a 12" x 20' culvert to provide access to 1 lot of a 7-lot subdivision

With Conditions:

1. All work shall be in accordance with Dredge and Fill plan by Carl Hagstrom dated December 20, 2002, as received by the Department on January 15, 2003 and subdivision plan by Edmond Boucher revised December 23, 2002, as received by the Department on February 14, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00111 SHORES, BARBARA
LISBON Ogontz Brook

Requested Action:

Stabilize approximately 100 linear feet of the bank along Ogontz Brook by reshaping the bank and installing base logs, root wads

and boulders (impacting 750 square feet and 204 linear feet) and by planting various native shrubs to prevent further bank erosion.

APPROVE PERMIT:

Stabilize approximately 100 linear feet of the bank along Ogontz Brook by reshaping the bank and installing base logs, root wads and boulders (impacting 750 square feet and 204 linear feet) and by planting various native shrubs to prevent further bank erosion.

With Conditions:

1. All work shall be in accordance with plans by Watershed to Wildlife, Inc. dated 12/12/02, as received by the Department on 1/21/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The applicant shall notify in writing NHDES Wetlands Bureau and the Lisbon Conservation Commission of their intention to begin construction no less than five (5) business days prior to the commencement of construction.
4. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged materials and temporary stockpiles shall be located outside of DES Wetlands Bureau jurisdiction.
7. Work shall be done during low flow or dry conditions and between the months of May through September.
8. Construction equipment shall not be located within surface waters.
9. Work shall be conducted in a manner that minimizes turbidity and sedimentation to surface waters and wetlands.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. A post-construction report documenting the status of the bank stabilization shall be submitted to the Wetlands Bureau within six (6) months of the completion of construction. The report shall contain photographic documentation of the area.

With Findings:

1. The project is classified as a Minimum Impact Project per NH Administrative Rule Wt 303.04(o), as the project will have minimal environmental impact.
2. The project is necessary to stabilize the bank of Ogontz Brook where there is severe undercutting and erosion.
3. The applicant is proposing to stabilize the stream bank with vegetative methods and bioengineered techniques to minimize overall impacts and to encourage long-term stability of the stream bank.
4. The Town of Lisbon Conservation Commission and the Dept. of Public Works both support the project to stabilize the stream bank.
5. DES finds that the project will benefit the brook by encouraging long-term stabilization through vegetative methods; therefore, the project is deemed minimum impact according to Wt 303.04(o).

2003-00211 PARKER, ERIC
DOVER Tidal Buffer Zone

Requested Action:

Approve after-the-fact request to retain 2,310 square feet of impact in the upland tidal buffer zone for the construction of a single family residence and driveway access.

APPROVE AFTER THE FACT:

Approve after-the-fact request to retain 2,310 square feet of impact in the upland tidal buffer zone for the construction of a single family residence and driveway access.

With Conditions:

1. Any further alteration of DES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the DES Wetlands Bureau.
2. The work shall be in accordance with plans by Kem Land Survey, dated January 13, 2002, as received by the Department on January 31, 2003.

With Findings:

1. This is a minimum impact project per Wt 303.03(f).
2. This proposal meets the criteria of Chapter Wt 300 for approvable minimum impact projects.

2003-00246 SANDY SEAS PROPERTIES LLC
SEABROOK Atlantic Ocean

Requested Action:

Impact 1,836 square feet within a sand dune jurisdiction area for the removal of an existing single residence, and construction of a 34'x 54' single residence.

Inspection Date: 02/25/2003 by Christina Altimari

APPROVE PERMIT:

Impact 1,836 square feet within a sand dune jurisdiction area for the removal of an existing single residence, and construction of a 34'x 54' single residence.

With Conditions:

1. All work shall be in accordance with plans by Silverwatch Architects, LLC dated November 3, 2002, as received by the Department on February 10, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on other areas within DES jurisdiction.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. The NH Natural Heritage Inventory (NHNHI) has record of two state endangered plant species within the project vicinity, Gray's Umbrella-Sedge (*Cyperus grayi*) and Sea-Beach Needlegrass (*Aristida tuberculosa*), three state threatened plant species within the project vicinity, Hairy Hudsonia (*Hudsonia tomentosa*), Sand Drop-Seed (*Sporobolus cryptandrus*), and Tall Wormwood (*Artemisia campestris*), and record of a species of special concern within the project vicinity, Beach Grass (*Ammophila breviligulata*). Also, NHNHI has record of one natural community of special concern within the project vicinity, a SNE Coastal Dune Community. DES review of this application finds that none of the threatened or endangered species will be impacted as a result of the project.
2. This property is a developed interior lot in Seabrook with little or no remaining dune function other than its position in the landscape.
3. This approval is consistent with other approvals in developed sand dune areas.
4. Based on findings #2 and #3, this project is deemed minimum impact per Wt. 303.04(o).

FORESTRY NOTIFICATION

2003-00226 GENDRON, PATRICK
PELHAM Unnamed Stream

COMPLETE NOTIFICATION:
Pelham Tax Map 22, Lot# 8-86

2003-00253 SIDERCHUCK, ROBERTA & LAURISTON TUFTS
STRAFFORD Unnamed Stream

COMPLETE NOTIFICATION:
Strafford Tax Map 7, Lot# 41 & 42

2003-00254 SLADE, THELMA
DEERFIELD Unnamed Stream

Conservation Commission/Staff Comments:
No USGS map. Digitized from file information.

COMPLETE NOTIFICATION:
Deerfield Tax Map 6, Lot# 27

2003-00265 BANCROFT, CHRISTOPHER
WAKEFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Wakefield Tax Map 38, Lot# 26

2003-00284 GERBER, MARK & HARRIS
HENNIKER Unnamed Stream

COMPLETE NOTIFICATION:
Henniker Tax Map 1, Lot# 653

2003-00285 KASKELL, PETER
MADISON Unnamed Stream

COMPLETE NOTIFICATION:
Madison Tax Map 6, Lot# 2

2003-00286 REDMOND, STEPHEN
TILTON Unnamed Stream

COMPLETE NOTIFICATION:

Tilton Tax Map R2, Lot# 3

2003-00287 WALEN, ROGER
BARNSTEAD Unnamed Stream

COMPLETE NOTIFICATION:
Barnstead Tax Map 11, lot# 22

2003-00288 DAYTON, SHERLIE
LYME Unnamed Stream

COMPLETE NOTIFICATION:
Lyme Tax Map 410, Lot# 64 & 65

2003-00289 FRANKLIN, CITY OF
FRANKLIN Unnamed Stream

COMPLETE NOTIFICATION:
Franklin Tax Map 37, Lot# 403 (401 town R.O.W.)

2003-00295 LACHUT, SIGMUND
PITTSFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Pittsfield Tax Map R17, Lot# 2-C

2003-00302 GUNN, BEN & MARY
ORANGE Unnamed Stream

COMPLETE NOTIFICATION:
Orange Tax Map 3, Lot# 47

2003-00303 TOWLE, ELIZABETH & JOYCE T VARNEY
LITTLETON Unnamed Stream

COMPLETE NOTIFICATION:
Littleton Tax Map 221, Lot# 2-100

2003-00304 ROLLINS, HOWARD & LUCILLE
GILFORD Unnamed Stream

COMPLETE NOTIFICATION:
Gilford Tax Map 271, Lot# 71-1 & 71-5

2003-00305 YANKEE FOREST, LLC, C/O WAGNER FOREST MGMT
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R24, Lot# 1

2003-00306 EMERSON, DENLEY
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R11, Lot# 20

2003-00309 BARTON, ELWIN & MARY
SALISBURY Unnamed Stream

COMPLETE NOTIFICATION:
Salisbury Tax Map 249, Lot# 2

2003-00325 YANKEE FOREST LLC
MILAN Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map 42, Lot# 2 Parcel A

2003-00326 YANKEE FOREST LLC
MILAN Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map 42, Lot# 2 Parcel I

EXPEDITED MINIMUM

2002-02056 GREENLAND, TOWN OF
GREENLAND Pickering Brook Salt Marsh

Requested Action:

Amend permit to allow the filling of one man-made drainage ditch (210 square feet) on the Pickering Creek saltmarsh with high quality dredged material (produced from other restoration activities) to reclaim the natural high marsh surface.

Conservation Commission/Staff Comments:

*In a letter dated 9/10/02, NH DHR stated that there are no known properties of significance within the area of the project.

*In a letter dated 8/26/02, NHI stated the there are no known occurrences of sensitive species near the project area.

APPROVE AMENDMENT:

Amend permit to read: Dredge and fill approximately 6,530 square feet of tidal wetland to restore the hydrology of a 42 acre degraded saltmarsh along Pickering Creek and adjacent to Great Bay. Work will include ditch sloping and maintenance, installing 22 ditch plugs within existing drainage ditches, creating 5 constructed pools for fish habitat, installing short connecting channels (runnels) between pools, and filling mosquito breeding depressions and one man-made drainage ditch.

With Conditions:

1. All work shall be in accordance with plans by Swamp Inc, as received by the Department on 9/16/02.
2. Work on the saltmarsh shall occur during the months of August through the following April. No work on the marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. DES coastal restoration staff shall be notified in writing prior to commencement of work and upon completion of restoration activities.
5. Construction equipment shall have specialized low ground pressure tracks, which impact less than four (4) pounds per square inch when loaded, or the permittee shall utilize timber or plywood mats beneath machines when driving over wetland areas.
6. Timber or plywood mats shall be utilized in all areas of the marsh where construction equipment is required to travel or turn multiple times over the same area.
7. All weight distribution mats shall be removed from the marsh within a minimum practicable time period.
8. Dredged material shall be stockpiled outside of any area that is within the jurisdiction of the DES Wetlands Bureau.
9. The applicant shall re-use sod mats that are removed for panne creation to cover the fill material that is placed in man-made ditch-A, as depicted on the revised plans.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. The permittee shall submit monitoring reports to the DES Wetlands Bureau according to the specifications stated in the "Monitoring Requirements for Saltmarsh Restoration Projects", NH Coastal Program, September 1998.

With Findings:

1. This project is considered a Minimum Impact Project per Rule Wt 303.04(t), as the project proposes to restore the hydrology and open water habitat of a 42 acre tidal wetland along Pickering Creek and Great Bay.
2. Drainage ditches have degraded the saltmarsh by lowering the water table and eliminating most pool and panne habitats. The purpose of the project is to restore the hydrology and open water habitat of the marsh by utilizing various restoration techniques which create panne/pool habitats for fish and waterbird use while controlling mosquitoes via predatory minnows. Overall biodiversity will be restored to the Pickering Creek saltmarsh through this cooperative effort.
3. Pre and post restoration monitoring will be accomplished through the protocols developed by the Gulf of Maine and the NH Office of State Planning.
4. This project is a cooperative partnership between the Town of Greenland, the NH Coastal Program, the US Fish & Wildlife Service, Great Bay National Estuarine Research Reserve, National Oceanic & Atmospheric Administration, Portsmouth Country Club, University of NH, Ducks Unlimited, SWAMP Inc, and NH DES Wetlands Bureau.
5. NH DES Salt Marsh Restoration Technical Advisory Staff have been involved with the planning and development of this saltmarsh restoration project along with other project partners.

2003-00187 RIDDLE CREEK ESTATES LLC
BEDFORD Unnamed Wetland

Requested Action:

Dredge and fill 427 sq. ft. of wet meadow to install 28 linear feet of 15 in. dia. HDPE culvert and associated fill for vehicular access to a single family building lot within a 5-lot residential subdivision on 11.75 acres.

Conservation Commission/Staff Comments:

The Bedford Conservation Commission signed this Minimum Impact Expedited application.

APPROVE PERMIT:

Dredge and fill 427 sq. ft. of wet meadow to install 28 linear feet of 15 in. dia. HDPE culvert and associated fill for vehicular access to a single family building lot within a 5-lot residential subdivision on 11.75 acres.

With Conditions:

1. All work shall be in accordance with plans by Sublime Civil Consultants, Inc. dated January 2, 2003, and the January 17, 2003, as received by the Department on February 3, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition 5 of this approval.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
10. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be properly rip rapped.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill for vehicular access to a single family building lot.
2. The applicant's engineer stated that driveway access through uplands at the southerly end of the property was not a practicable alternative because slopes in this location are too steep for safe access. Wetland impacts were minimized by crossing wetlands at the narrowest point, which is an historic access area.

2003-00204 VESPOLI, MICHAEL
NEWBURY Lake Sunapee

Requested Action:

Repair 50 linear feet of an existing dry stone retaining wall on 180 feet of frontage on Lake Sunapee.

Conservation Commission/Staff Comments:

The Newbury Conservation Commission signed this application.

APPROVE PERMIT:

Repair 50 linear feet of an existing dry stone retaining wall on 180 feet of frontage on Lake Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Wells Appel Land Strategies dated January 26, 2003, as received by the Department on February 5, 2003.
2. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
3. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
4. Repair shall maintain existing size, location and configuration. Retaining wall shall be repaired landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(j), repair of an existing retaining wall that requires work in the water.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2003-00308 FRALICK, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2003-00310 FRALICK, R. DEBRA
(ALL TOWNS) Unnamed Stream

2003-00356 CLARK, SCOTT
(ALL TOWNS) Unnamed Stream

SEASONAL DOCK NOTIFICATIO

2003-00307 STETSON, BRUCE & NANCY
NEW LONDON Messer Pond

2003-00322 GRATON, ARNOLD
ASHLAND Little Squam Lake

2003-00323 CAPONE, MARK & HEIDI
TUFTONBORO Lake Winnepesaukee

2003-00324 JESSEMAN, STEPHEN & SUZANNE
NEW LONDON Lake Sunapee

2003-00355 FRIES, KENNETH
MOULTONBOROUGH Ledgy Pond